

EXHIBIT A

PREPARED FOR: DANIEL LOWERY

9/27/2023 10:42:58 AM



alacourt.com

County: **33**Case Number: **CV-2023-900115.00**

Court Action:

Style: **AMY NICOLE SEAL V. VGW, LTD ET AL**

Real Time

Case**Case Information**

County:	33-FRANKLIN	Case Number:	CV-2023-900115.00	Judge:	BPH:BRIAN P HAMILTON
Style:	AMY NICOLE SEAL V. VGW, LTD ET AL				
Filed:	08/25/2023	Case Status:	ACTIVE	Case Type:	OTHER TORT
Trial Type:	BENCH	Track:		Appellate Case:	0
No of Plaintiffs:	1	No of Defendants:	4		

Damages

Damage Amt:	0.00	Punitive Damages:	0.00	General Damages:	0.00
No Damages:		Compensatory Damages:	0.00		
Pay To:		Payment Frequency:		Cost Paid By:	

Court Action

Court Action Code:		Court Action Desc:		Court Action Date:	
Num of Trial days:	0	Num of Liens:	0	Judgment For:	
Disposition Date of Appeal:		Disposition Judge:	:	Disposition Type:	
Revised Judgement Date:		Minstral:		Appeal Date:	
Date Trial Began but No Verdict (TBNV1):					
Date Trial Began but No Verdict (TBNV2):					

Comments

Comment 1:

Comment 2:

Appeal Information

Appeal Date:	Appeal Case Number:	Appeal Court:
Appeal Status:	Orgin Of Appeal:	
Appeal To:	Appeal To Desc:	LowerCourt Appeal Date:
Disposition Date Of Appeal:	Disposition Type Of Appeal:	

Administrative Information

Transfer to Admin Doc Date:	Transfer Reason:	Transfer Desc:
Number of Subponeas:	Last Update: 08/25/2023	Updated By: AJA

Parties**Party 1 - Plaintiff INDIVIDUAL - SEAL AMY NICOLE****Party Information**

Party:	C001-Plaintiff	Name:	SEAL AMY NICOLE	Type:	I-INDIVIDUAL
Index:	D VGW, LTD	Alt Name:		Hardship:	No
Address 1:	312 JACINTO ROAD			JID:	BPH
				Phone:	(256) 000-0000

Court Action

Court Action:	Court Action Date:		
Amount of Judgement: \$0.00	Court Action For:	Exemptions:	
Cost Against Party: \$0.00	Other Cost: \$0.00	Date Satisfied:	
Comment:	Arrest Date:		
Warrant Action Date:	Warrant Action Status:	Status Description:	

Service Information

Issued:	Issued Type:	Reissue:	Reissue Type:
Return:	Return Type:	Return:	Return Type:
Served:	Service Type	Service On:	Notice of No Answer: Served By:
Answer:	Answer Type:	Notice of No Service:	

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	BOW037		BOWLING JEFFREY LOWELL	JEFFBRBPC@BELLSOUTH.NET	(256) 332-2880
Attorney 2	MCR008		MCREYNOLDS JOHN ANDREW IV	JOHNMCRBPC@GMAIL.COM	(256) 332-2880
Attorney 3	HAR411		HARGETT EVAN MICHAEL	EVANBRBPC@GMAIL.COM	(256) 332-2880
Attorney 4	DAV009		DAVIS DUDLEY FRANK	FDAVIS@DAVISNORRIS.COM	(205) 930-9900
Attorney 5	NOR041		NORRIS JOHN EDWARD	JNORRIS@DAVISNORRIS.COM	(205) 930-9900
Attorney 6	WAR089		WARE DARGAN MANER	DWARE@DAVISNORRIS.COM	(205) 930-9900

Party 2 - Defendant BUSINESS - VGW, LTD

Party Information

Party: D001-Defendant	Name: VGW, LTD	Type: B-BUSINESS
Index: C SEAL AMY	Alt Name:	Hardship: No JID: BPH
Address 1: 1840 FOLSOM STREET		Phone: (256) 000-0000
Address 2: SUITE 302		
City: BOULDER	State: CO	Zip: 80302-0000 Country: US
SSN: XXX-XX-X999	DOB:	Sex: Race:

Court Action

Court Action:	Court Action Date:		
Amount of Judgement: \$0.00	Court Action For:	Exemptions:	
Cost Against Party: \$0.00	Other Cost: \$0.00	Date Satisfied:	
Comment:	Arrest Date:		
Warrant Action Date:	Warrant Action Status:	Status Description:	

Service Information

Issued: 08/25/2023	Issued Type: C-CERTIFIED MAIL	Reissue:	Reissue Type:
Return:	Return Type:	Return:	Return Type:
Served: 09/18/2023	Service Type C-CERTIFIED MAIL	Service On:	Notice of No Answer: Served By:
Answer:	Answer Type:	Notice of No Service:	

Attorneys

Party 3 - Defendant BUSINESS - VGW HOLDINGS US, INC.

Party Information

Party: D002-Defendant Name: **VGW HOLDINGS US, INC.** Type: **B-BUSINESS**
 Index: C SEAL AMY Alt Name: Hardship: **No** JID: **BPH**
 Address 1: **1840 FOLSOM STREET** Phone: **(256) 000-0000**
 Address 2: **SUITE 302**
 City: **BOULDER** State: **CO** Zip: **80302-0000** Country: **US**
 SSN: **XXX-XX-X999** DOB: Sex: Race:

Court Action

Court Action:
 Amount of Judgement: **\$0.00** Court Action For:
 Cost Against Party: **\$0.00** Other Cost: **\$0.00** Exemptions:
 Comment:
 Warrant Action Date: Warrant Action Status: Date Satisfied:
 Arrest Date:
 Status Description:

Service Information

Issued: **08/25/2023** Issued Type: **C-CERTIFIED MAIL** Reissue:
 Return: Return Type: Return:
 Served: Service Type Service On:
 Answer: Answer Type: Notice of No Service:
 Served By: Notice of No Answer:

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	000000		PRO SE		

Party 4 - Defendant BUSINESS - VGW US, INC.

Party Information

Party: D003-Defendant Name: **VGW US, INC.** Type: **B-BUSINESS**
 Index: C SEAL AMY Alt Name: Hardship: **No** JID: **BPH**
 Address 1: **1840 FOLSOM STREET** Phone: **(256) 000-0000**
 Address 2: **SUITE 302**
 City: **BOULDER** State: **CO** Zip: **80302-0000** Country: **US**
 SSN: **XXX-XX-X999** DOB: Sex: Race:

Court Action

Court Action:
 Amount of Judgement: **\$0.00** Court Action For:
 Cost Against Party: **\$0.00** Other Cost: **\$0.00** Exemptions:
 Comment:
 Warrant Action Date: Warrant Action Status: Date Satisfied:
 Arrest Date:
 Status Description:

Service Information

Issued: **08/25/2023** Issued Type: **C-CERTIFIED MAIL** Reissue:
 Return: Return Type: Return:
 Served: Service Type Service On:
 Answer: Answer Type: Notice of No Service:
 Served By: Notice of No Answer:

Attorneys

Case 3:23-cv-01295-LCB Document 1-1 Filed 09/29/23 Page 5 of 40

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	000000		PRO SE		

Party 5 - Defendant BUSINESS - VGW LUCKYLAND, INC.

Party Information

Party:	D004-Defendant	Name:	VGW LUCKYLAND, INC.	Type:	B-BUSINESS
Index:	C SEAL AMY	Alt Name:		Hardship:	No JID: BPH
Address 1:	1840 FOLSOM STREET			Phone:	(256) 000-0000
Address 2:	SUITE 302				
City:	BOULDER	State:	CO	Zip:	80302-0000 Country: US
SSN:	XXX-XX-X999	DOB:		Sex:	Race:

Court Action

Court Action:		Court Action Date:	
Amount of Judgement:	\$0.00	Court Action For:	
Cost Against Party:	\$0.00	Other Cost:	\$0.00
Comment:			
Warrant Action Date:		Warrant Action Status:	

Service Information

Issued:	08/25/2023	Issued Type:	C-CERTIFIED MAIL	Reissue:	Reissue Type:
Return:		Return Type:		Return:	Return Type:
Served:		Service Type		Service On:	Notice of No Answer: Served By:
Answer:		Answer Type:		Notice of No Service:	

Attorneys

Number	Attorney Code	Type of Counsel	Name	Email	Phone
Attorney 1	000000		PRO SE		

Financial

Fee Sheet

Fee Status	Admin Fee	Fee Code	Payor	Payee	Amount Due	Amount Paid	Balance	Amount Hold	Garnish Party
ACTIVE	N	AOCC	C001	000	\$68.28	\$68.28	\$0.00	\$0.00	0
ACTIVE	N	CONV	C001	000	\$16.62	\$16.62	\$0.00	\$0.00	0
ACTIVE	N	CV05	C001	000	\$301.00	\$301.00	\$0.00	\$0.00	0
ACTIVE	N	VADM	C001	000	\$45.00	\$45.00	\$0.00	\$0.00	0
Total:					\$430.90	\$430.90	\$0.00	\$0.00	

Financial History

Transaction Date	Description	Disbursement Account	Transaction Batch	Receipt Number	Amount	From Party	To Party	Money Type	Admin Fee	Reason	Attorney	Operator
08/25/2023	RECEIPT	AOCC	2023234	14752000	\$68.28	C001	000		N		MMC	
08/25/2023	CREDIT	CONV	2023234	14752100	\$16.62	C001	000		N		MMC	
08/25/2023	RECEIPT	CV05	2023234	14752200	\$301.00	C001	000		N		MMC	
08/25/2023	RECEIPT	VADM	2023234	14752300	\$45.00	C001	000		N		MMC	

Case Action Summary

Date	Time	Code	Comments	Operator
8/25/2023	12:03 PM	FILE	FILED THIS DATE: 08/25/2023 (AV01)	AJA

8/25/2023	12:03 PM	EORD	E-ORDER FLAG SET TO "Y"	(AV01)	AJA
8/25/2023	12:03 PM	ASSJ	ASSIGNED TO JUDGE: BRIAN P HAMILTON	(AV01)	AJA
8/25/2023	12:03 PM	SCAN	CASE SCANNED STATUS SET TO: N	(AV01)	AJA
8/25/2023	12:03 PM	TDMN	BENCH/NON-JURY TRIAL REQUESTED	(AV01)	AJA
8/25/2023	12:03 PM	STAT	CASE ASSIGNED STATUS OF: ACTIVE	(AV01)	AJA
8/25/2023	12:03 PM	ORIG	ORIGIN: INITIAL FILING	(AV01)	AJA
8/25/2023	12:03 PM	ECOMP	COMPLAINT E-FILED.		BOW037
8/25/2023	12:03 PM	D001	D001 PARTY ADDED: VGW, LTD	(AV02)	AJA
8/25/2023	12:03 PM	D001	INDIGENT FLAG SET TO: N	(AV02)	AJA
8/25/2023	12:03 PM	D001	LISTED AS ATTORNEY FOR D001: PRO SE	(AV02)	AJA
8/25/2023	12:03 PM	D001	CERTIFIED MAI ISSUED: 08/25/2023 TO D001	(AV02)	AJA
8/25/2023	12:03 PM	D001	D001 E-ORDER FLAG SET TO "Y"	(AV02)	AJA
8/25/2023	12:03 PM	D002	D002 PARTY ADDED: VGW HOLDINGS US, INC.	(AV02)	AJA
8/25/2023	12:03 PM	D002	INDIGENT FLAG SET TO: N	(AV02)	AJA
8/25/2023	12:03 PM	D002	LISTED AS ATTORNEY FOR D002: PRO SE	(AV02)	AJA
8/25/2023	12:03 PM	D002	CERTIFIED MAI ISSUED: 08/25/2023 TO D002	(AV02)	AJA
8/25/2023	12:03 PM	D002	D002 E-ORDER FLAG SET TO "Y"	(AV02)	AJA
8/25/2023	12:03 PM	D003	D003 PARTY ADDED: VGW US, INC.	(AV02)	AJA
8/25/2023	12:03 PM	D003	INDIGENT FLAG SET TO: N	(AV02)	AJA
8/25/2023	12:03 PM	D003	LISTED AS ATTORNEY FOR D003: PRO SE	(AV02)	AJA
8/25/2023	12:03 PM	D003	CERTIFIED MAI ISSUED: 08/25/2023 TO D003	(AV02)	AJA
8/25/2023	12:03 PM	D003	D003 E-ORDER FLAG SET TO "Y"	(AV02)	AJA
8/25/2023	12:03 PM	D004	D004 PARTY ADDED: VGW LUCKYLAND, INC.	(AV02)	AJA
8/25/2023	12:03 PM	D004	INDIGENT FLAG SET TO: N	(AV02)	AJA
8/25/2023	12:03 PM	D004	LISTED AS ATTORNEY FOR D004: PRO SE	(AV02)	AJA
8/25/2023	12:03 PM	D004	CERTIFIED MAI ISSUED: 08/25/2023 TO D004	(AV02)	AJA
8/25/2023	12:03 PM	D004	D004 E-ORDER FLAG SET TO "Y"	(AV02)	AJA
8/25/2023	12:03 PM	C001	C001 PARTY ADDED: SEAL AMY NICOLE	(AV02)	AJA
8/25/2023	12:03 PM	C001	INDIGENT FLAG SET TO: N	(AV02)	AJA
8/25/2023	12:03 PM	C001	LISTED AS ATTORNEY FOR C001: BOWLING JEFFREY LOWE		AJA
8/25/2023	12:03 PM	C001	LISTED AS ATTORNEY FOR C001: MCREYNOLDS JOHN ANDR		AJA
8/25/2023	12:03 PM	C001	LISTED AS ATTORNEY FOR C001: HARGETT EVAN MICHAEL		AJA
8/25/2023	12:03 PM	C001	LISTED AS ATTORNEY FOR C001: DAVIS DUDLEY FRANK		AJA
8/25/2023	12:03 PM	C001	LISTED AS ATTORNEY FOR C001: NORRIS JOHN EDWARD		AJA
8/25/2023	12:03 PM	C001	LISTED AS ATTORNEY FOR C001: WARE DARGAN MANER		AJA
8/25/2023	12:03 PM	C001	C001 E-ORDER FLAG SET TO "Y"	(AV02)	AJA
8/31/2023	10:10 AM	ESCAN	SCAN - FILED 8/25/2023 - CERTIFIED MAIL		MMC
9/21/2023	2:09 PM	D001	SERVICE OF CERTIFIED MAI ON 09/18/2023 FOR D001		MMC
9/21/2023	2:10 PM	ESERC	SERVICE RETURN		MIC

Images

Date:	Doc#	Title	Description	Pages
8/25/2023 12:03:30 PM	1	CIVIL_COVER_SHEET	CIRCUIT COURT - CIVIL CASE	1
8/25/2023 12:03:31 PM	2	COMPLAINT		13
8/25/2023 12:04:10 PM	3	COMPLAINT - TRANSMITTAL	E-NOTICE TRANSMITTALS	5
8/25/2023 12:04:11 PM	4	COMPLAINT - SUMMONS	E-NOTICE TRANSMITTALS	4
8/25/2023 12:00:05 AM	5	CERTIFIED MAIL		4
9/21/2023 2:10:19 PM	6	SERVICE RETURN	SERVICE RETURN	1
9/21/2023 2:10:23 PM	7	SERVICE RETURN - TRANSMITTAL	E-NOTICE TRANSMITTALS	6



END OF THE REPORT



State of Alabama
Unified Judicial System
Form AR Civ-93 Rev. 9/18

**COVER SHEET
CIRCUIT COURT - CIVIL CASE**
(Not For Domestic Relations Cases)

Case

33

Date of Filing:
08/25/2023

Judge Code:

GENERAL INFORMATION**IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ALABAMA
AMY NICOLE SEAL v. VGW, LTD ET AL**

First Plaintiff: Business Individual
 Government Other

First Defendant: Business Individual
 Government Other

NATURE OF SUIT: Select primary cause of action, by checking box (check only one) that best characterizes your action:

TORTS: PERSONAL INJURY

- WDEA - Wrongful Death
- TONG - Negligence: General
- TOMV - Negligence: Motor Vehicle
- TOWA - Wantonness
- TOPL - Product Liability/AEMLD
- TOMM - Malpractice-Medical
- TOLM - Malpractice-Legal
- TOOM - Malpractice-Other
- TBFM - Fraud/Bad Faith/Misrepresentation
- TOXX - Other: _____

TORTS: PERSONAL INJURY

- TOPE - Personal Property
- TORE - Real Properly

OTHER CIVIL FILINGS

- ABAN - Abandoned Automobile
- ACCT - Account & Nonmortgage
- APAA - Administrative Agency Appeal
- ADPA - Administrative Procedure Act
- ANPS - Adults in Need of Protective Service

OTHER CIVIL FILINGS (cont'd)

- MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/Enforcement of Agency Subpoena/Petition to Preserve
- CVRT - Civil Rights
- COND - Condemnation/Eminent Domain/Right-of-Way
- CTMP - Contempt of Court
- CONT - Contract/Ejectment/Writ of Seizure
- TOCN - Conversion
- EQND - Equity Non-Damages Actions/Declaratory Judgment/Injunction Election Contest/Quiet Title/Sale For Division
- CVUD - Eviction Appeal/Unlawful Detainer
- FORJ - Foreign Judgment
- FORF - Fruits of Crime Forfeiture
- MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition
- PFAB - Protection From Abuse
- EPFA - Elder Protection From Abuse
- QTLB - Quiet Title Land Bank
- FELA - Railroad/Seaman (FELA)
- RPRO - Real Property
- WTEG - Will/Trust/Estate/Guardianship/Conservatorship
- COMP - Workers' Compensation
- CVXX - Miscellaneous Circuit Civil Case

ORIGIN: F INITIAL FILING

A APPEAL FROM
DISTRICT COURT

O OTHER

R REMANDED

T TRANSFERRED FROM
OTHER CIRCUIT COURT

HAS JURY TRIAL BEEN DEMANDED? YES NO

Note: Checking "Yes" does not constitute a demand for a jury trial. (See Rules 38 and 39, Ala.R.Civ.P, for procedure)

RELIEF REQUESTED:

MONETARY AWARD REQUESTED NO MONETARY AWARD REQUESTED

ATTORNEY CODE:

BOW037

8/25/2023 12:03:29 PM

/s/ JEFFREY LOWELL BOWLING

Date

Signature of Attorney/Party filing this form

MEDIATION REQUESTED:

YES NO UNDECIDED

Election to Proceed under the Alabama Rules for Expedited Civil Actions:

YES NO

ELECTRONICALLY FILED
8/25/2023 12:03 PM
33-CV-2023-900115.00
CIRCUIT COURT OF
FRANKLIN COUNTY, ALABAMA
ANITA SCOTT, CLERK

**IN THE CIRCUIT COURT
OF FRANKLIN COUNTY ALABAMA**

AMY NICOLE SEAL,)
Plaintiff,)
v.) Case No.:
VGW, LTD., VGW HOLDINGS,)
US, INC., VGW US, INC., VGW)
LUCKYLAND, INC.)
Defendants.)

COMPLAINT

1. This case is brought pursuant to Section 8-1-150(b) of the Alabama Code, which allows "*any other person*" to recover money lost in gambling "for the use of the wife...children or ... next of kin of the loser." Ala. Code § 8-1-150(b) (emphasis supplied). As will be explained in detail below, this suit, brought by an individual for the use of those named in the statute, is not a class action pursuant to Rule 23 of the Alabama Rules of Civil Procedure. The legislature has chosen to allow *any person* to bring the case, and to allow the benefit to accrue to the family of the losing gamblers, whether or not that person is a proper class representative under Rule 23. It is also not a mass action under the federal Class Action Fairness Act since it is brought by one person. This suit is what is typically called a private

attorney general action. Plaintiff does not seek to recover for the family members of any gambler who lost \$75,000 or more during the limitations period.

2. Defendant VGW makes available online games and applications across multiple platforms, that are games of chance, and thus illegal gambling, under Alabama law. Such games violate Alabama law if a patron pays money for the chance to win anything of value. As will be explained below, VGW's games allow players to win free or extended playing time, which is a thing of value under Alabama Law. Ala. Code § 13A-12-20(11).

PARTIES, JURISDICTION, AND VENUE

3. Plaintiff Amy Nicole Seal is an adult resident citizen of Franklin County, Alabama.

4. Defendant VGW, Ltd., is a foreign corporation headquartered in Perth, Australia. It does business through its online gambling games in all counties in Alabama, including Plaintiff's resident county. It does not have a physical place of business in the state of Alabama.

5. Defendants VGW Holdings US, Inc., VGW US, Inc., and VGW Luckyland, Inc., are each a corporation organized under the laws of the state of Delaware, with its principal place of business in Boulder, Colorado. They each do business through online gambling games in all counties in Alabama, including

Plaintiff's resident county. None of them have a physical place of business in the state of Alabama.

FACTUAL BACKGROUND

6. Defendants, collectively "VGW," makes available online games of chance in a variety of formats including, but not limited to, slot machines, other casino-style games, card games and other games of chance. Below is a typical example of the games available on these sites:



7. Customers initially receive some free coins to play the games. They then spend coins to play the game. For example, on the slot type games customers spend some of their coins to spin the reels. If they lose, they lose the coins wagered. If they win, they win additional coins allowing them to play longer. When a consumer runs out of coins entirely, they must purchase coins if they wish to

continue playing the game with full functionality. Customers who purchase these coins do so to bet them in the same manner described above.

8. Defendant collects millions of dollars in revenue each year from consumers who purchase coins on its websites and applications and use them to play the slot machines and other games of chance found there.

ALABAMA'S GAMBLING LAWS

9. “[T]he public policy of this State, as recorded in the Constitution, is that illegal gambling is harmful.” Alabama v. Epic Tech, L.L.C., 323 So.3d 572, 582 (Ala. 2020). Indeed, as stated by our Supreme Court as long ago as 1888 and as recently as 2020, Alabama’s judiciary has long recognized the Legislature’s condemnation of the societal harm of illegal gambling:

This construction is in full harmony with the policy of the constitution and laws of Alabama prohibitory of the vicious system of lottery schemes and the evil practice of gaming, in all their protean shapes, tending, as centuries of human experience now fully attest, to mendicancy and idleness on the one hand, and moral profligacy and debauchery on the other. No state has more steadfastly emphasized its disapprobation of all these gambling devices of money-making by resort to schemes of chance than Alabama. For more than 40 years past -- we may say, from the organization of the state, with some few years of experimental leniency -- the voice of the legislature has been loud and earnest in its condemnation of these immoral practices, now deemed so enervating to the public morals.

State v. Epic Tech, LLC, 323 So. 3d 572, 582 (Ala. 2020) (quoting Johnson v. State, 83 Ala. 65, 3 So. 790, 791 (1888)).

10. Alabama's public policy against gambling, as embodied in the Alabama Constitution, is so strong that its Legislature cannot permit a game of chance involving some skill unless skill is the dominant factor, not chance. Opinion of Justices, 795 So. 2d 630 (Ala. 2001) (referencing Section 65 of the Alabama Constitution).

11. The Alabama criminal laws pertaining to gambling are codified at Sections 13A-12-20 through 13A-12-92 of the Code of Alabama, 1975. Section 13A-12-22(a) states “[a] person commits the crime of promoting gambling if he knowingly advances or profits from unlawful gambling activity otherwise than as a player.” Section 13A-12-23 adds: “A person commits the crime of conspiracy to promote gambling if he conspires to advance, or profit from gambling activity, otherwise than as a player.”

12. The statute also defines gambling itself. “A person engages in gambling if he stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his control or influence, upon an agreement or understanding that he or someone else will receive something of value in the event of a certain outcome.” Ala. Code § 13A-12-20(4) (1975).

13. As noted above, players of defendants' games pay real money to purchase coins, which they then wager in the hopes of winning more coins so that they can continue to play without making additional purchases. They make this

wager on the outcome of the spin of a slot machine or the results of other gambling games.

14. Under Alabama law, “something of value” specifically includes “extension of a service entertainment or a privilege of playing at a game or scheme without charge.” Ala. Code § 13A-12-20(11). As a matter of law, paying money to get “coins” that one bets hoping to win more coins so as to gain the “privilege of playing at a game or scheme without charge” is gambling a thing of value in Alabama.

15. Alabama law also defines the term “contest of chance” to include “[a]ny contest, game, gaming scheme or gaming device in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestants may also be a factor therein.” Ala. Code § 13A-12-20(3). Defendants’ gambling games are contests of chance under Alabama law.

16. As noted above, Alabama law provides a statutory civil cause of action to recover money paid and lost due to gambling. Ala. Code § 8-1-150. Subsection (b) of the statute provides:

(b) *Any other person* may also recover the amount of such money, thing, or its value by an action commenced within 12 months after the payment or delivery thereof for the use of the wife or, if no wife, the children or, if no children, the next of kin of the loser.

Ala. Code § 8-1-150(b) (emphasis supplied). Plaintiff Amy Nicole Seal is such an “other person” with respect to every Alabama citizen who paid money to VGW to

play gambling games within the past 12 months. The Alabama Legislature, therefore, has explicitly authorized her to bring this action to return that money to the families of the Alabamians who lost it. Plaintiff does not seek to recover the losses of any Alabama citizen who lost \$75,000 or more during the statute of limitations period.

17. While there is a dearth of Alabama caselaw interpreting the plain language of Section 8-1-150(b), authority from other states with similarly-worded statutes make it plain that such provisions should be enforced according to their unambiguous meaning. A notable recent example is Commonwealth ex rel. Brown v. Stars Interactive Holdings (IOM), Ltd., 617 S.W. 3d 792 (Ky. 2020), where the Supreme Court of Kentucky was faced with a similar gambling recovery statute authorizing “any other person” to sue and recover for gambling losses incurred by Kentucky citizens. In that case, the state of Kentucky sued the offshore operator of an online gambling site called PokerStars. The state sought recovery of all losses by Kentucky citizens, invoking a statute very similar to Alabama’s authorizing “any other person” to recover gambling losses. The defendant argued that the state was not a “person” within the meaning of the statute. The supreme court rejected that argument and reinstated the state’s judgment against the defendant, reasoning that the word “any” in the phrase “any other person” “means one indiscriminately of whatever kind or class; one, no matter what one and is an indefinite pronominal

adjective used to designate objects in a general way without pointing out any one in particular. By using the phrase ‘any other person,’ the General Assembly plainly expressed that it meant to confer standing on *all* the kinds and classes of persons *without exception.*” *Id.* at 799 (internal quotations and citations omitted; emphasis supplied). Using this definition, plaintiff unquestionably has standing to represent the family of gamblers who lost money playing Defendant’s games.

THIS CASE IS NOT SUBJECT TO FEDERAL COURT JURISDICTION

18. This action is not a class action. The legislature authorized “any person” to bring the suit, not just a person who could meet the requirements of Rule 23.

19. The Alabama Supreme Court has held that when a statute authorizes “any person” to bring an action, it means what it says. See Bates v. Crane, 157 So. 3d 171, 174-75 (Ala. 2014) (interpreting statute that allowed any person to bring complaint before police board).

20. Instead of a class action under Rule 23, this case is what is typically called a “private attorney general action.” See Smith v. Southeastern Financial Corp., 337 So. 2d. 330 (Ala. 1976) (“The Civil Worthless Check Act by using the word ‘unlawful’ and allowing a civil action to be maintained regardless of whether a criminal action has been instituted promotes the private Attorney General concept.”). In such an action, the state or other governmental unit authorizes an individual to act on its behalf and enforce the statute in a private action to enforce a

public interest. See, e.g., National Consumers League v. Flowers Bakeries, LLC, 36 F. Supp. 3d 26, 32-33 (D.D.C. 2014). In the Flowers Bakeries case, the plaintiff brought the case, as authorized by a District of Columbia statute, on behalf of purchasers of particular types of bread, who would recover if it prevailed in the case. Id. at 29. Likewise, Ms. Seal brings this case as a private attorney general for the benefit of the family of Alabamians who have lost money to VGW in illegal gambling, pursuant to Section 8-1-150, which explicitly authorizes this type of suit. Ms. Seal does not seek to recover for the family members of any Alabamian who lost \$75,000 or more during the limitations period.

21. The United States Supreme Court has held that actions by an attorney general, no matter how many people may benefit from them, are not “mass actions” or “class actions” under the Class Action Fairness Act, and so cannot be removed to federal court. Mississippi ex rel. Hood v. AU Optronics Corp., 571 U.S. 161, 176 (2014). In Hood, the defendants argued that a case like this one was a mass action under CAFA because, even though there was a single plaintiff, 100 or more persons would benefit from a recovery in the action. Id. at 169. The Supreme Court, in a unanimous decision, rejected this argument, stating that the 100 or more persons mentioned in CAFA “are not unspecified individuals who have no actual participation in the suit, but instead the very ‘plaintiffs’ referred to later in the sentence—the parties who are proposing to join their claims in a single trial.” Id.

The Supreme Court stated: “CAFA’s ‘100 or more persons’ phrase does not encompass unnamed persons who are real parties in interest to claims brought by named plaintiffs.” Id. Likewise, the federal circuit courts of appeals that have considered the issue have unanimously held that an attorney general or private attorney general action not invoking Rule 23 or a state law counterpart is similarly not a class action with the meaning of CAFA. Canela v. Costco Wholesale Corp., 971 F.3d 845, 851 (9th Cir. 2020); Mississippi ex rel. Hood v. AU Optronics Corp., 701 F.3d 796, 799 (5th Cir. 2012), rev’d on other grounds, 571 U.S. 161. Because a suit by the Attorney General, like a private attorney general action, has only one plaintiff, and is not brought under Rule 23 or any state law equivalent, it is not removable under CAFA. Id. at 176. The same is true in the case at bar.

22. Since Hood was decided in 2014, multiple federal courts have relied upon it to hold that private attorney general suits are likewise not covered by CAFA, and thus not removable unless the claims of the named plaintiff exceed \$75,000 dollars in controversy. See, e.g., National Consumers League v. Flowers Bakeries, LLC, 36 F. Supp. 3d 26, 32-33 (D.D.C. 2014); Canela v. Costco Wholesale Corp., 971 F.3d 845, 853 (9th Cir. 2020). This case should likewise be heard in state court.

23. The federal courts do not have jurisdiction over this civil action because the plaintiff does not allege that she seeks to recover for any person an amount of

\$75,000 or more, exclusive of interest and costs. Therefore, diversity jurisdiction does not exist because of the lack of the requisite amount in controversy.

CLAIM FOR RELIEF

24. Pursuant to Section 8-1-150(b) of the Alabama Code, Plaintiff Amy Nicole Seal seeks recovery of all sums paid by Alabama residents to VGW in its online gambling games during the period beginning one year before the filing of this complaint until this case is resolved, except that she does not seek recovery of any money lost by an Alabama resident who lost \$75,000 or more during the statute of limitations period.

25. Plaintiff seeks this recovery to go to the benefit of the families of the gamblers who paid the money, as required by Section 8-1-150(b).

PRAYER FOR RELIEF

Plaintiff respectfully prays that this court:

- 1) take jurisdiction of this cause;
- 2) following discovery, enter a final judgment against VGW awarding to the family and next of kin of all gamblers that made payments from Alabama all money paid to play the illegal gambling games described herein, except for amounts paid by gamblers who lost \$75,000 or more during the statute of limitations period;

- 3) appoint a special master to determine all proper recipients of the money at issue;
- 4) award interest and costs; and
- 5) award any other relief to which the Court finds plaintiff and the family members are entitled.

/s/ Jeffrey L. Bowling

Jeffrey L. Bowling

One of the Attorneys for Plaintiff

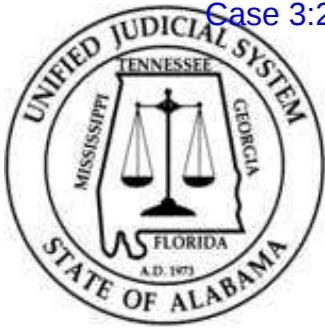
COUNSEL:

Jeffrey L. Bowling
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fdavis@davisnorris.com
wbarnett@davisnorris.com
dware@davisnorris.com

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VGW Holdings US, Inc.
VGW US, Inc.
VGW Luckyland, Inc.
1840 Folsom Street
Suite 302
Boulder, CO 80302



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33-CV-2023-900115.00

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jeffbrbpc@bellsouth.net

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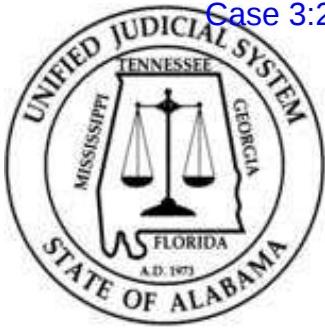
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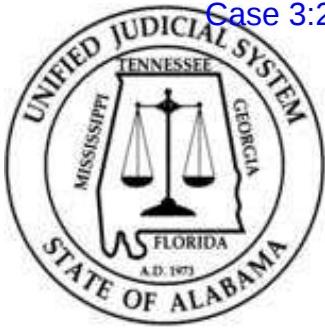
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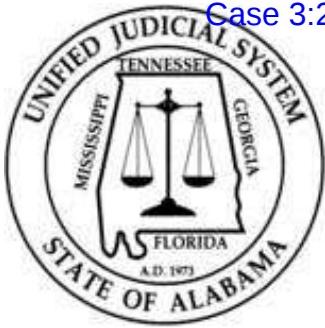
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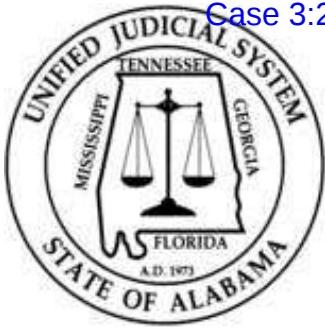
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State of Alabama Unified Judicial System Form C-34 Rev. 4/2017	SUMMONS - CIVIL -	Court Case Number 33-CV-2023-900115.00
IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ALABAMA AMY NICOLE SEAL V. VGW, LTD ET AL		
NOTICE TO: VGW, LTD, 1840 FOLSOM STREET SUITE 302, BOULDER, CO 80302 <hr style="border: 0.5px solid black; margin-bottom: 5px;"/> <i>(Name and Address of Defendant)</i>		
THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), JEFFREY LOWELL BOWLING <hr style="border: 0.5px solid black; margin-top: 5px;"/> <i>[Name(s) of Attorney(s)]</i>		
WHOSE ADDRESS(ES) IS/ARE: POST OFFICE BOX 669, RUSSELLVILLE, AL 35653 <hr style="border: 0.5px solid black; margin-top: 5px;"/> <i>[Address(es) of Plaintiff(s) or Attorney(s)]</i>		
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<input type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.		
<input checked="" type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of <u>AMY NICOLE SEAL</u> <hr style="border: 0.5px solid black; margin-top: 5px;"/> <i>[Name(s)]</i> pursuant to the Alabama Rules of the Civil Procedure.		
08/25/2023 <hr style="border: 0.5px solid black; margin-top: 5px;"/> <i>(Date)</i>	/s/ ANITA SCOTT <hr style="border: 0.5px solid black; margin-top: 5px;"/> <i>(Signature of Clerk)</i>	By: <hr style="border: 0.5px solid black; margin-top: 5px;"/> <i>(Name)</i>
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Alabama on _____ <hr style="border: 0.5px solid black; margin-top: 5px;"/> <i>(Date)</i>		
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100 W 100
1800 15th St Ste 300
Boulder CO 80302

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

1V830006

VGW LTD
1840 Folsom St Ste 309
Boulder CO 80302



9590 9402 7887 2234 6752 43

a. Article Number (Transfer from service label)

2022 3330 0002 3230 8325

COMPLETE THIS SECTION ON DELIVERY**A. Signature**
 Agent Addressee**B. Received by (Printed Name)****C. Date of Delivery****D. Is delivery address different from item 1?** YesIf YES, enter delivery address below: No

1V830006

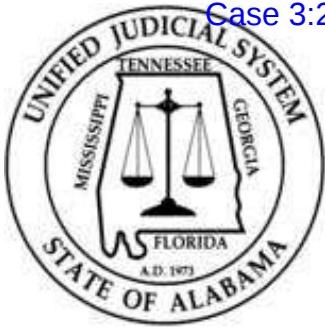
1840 Folsom St Ste 309
Boulder CO 80302

1V830006

3. Service Type

- | | | |
|--|--|---|
| <input type="checkbox"/> Adult Signature | <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Insured Mail | <input type="checkbox"/> Insured Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |

all Restricted Delivery



AlaFile E-Notice

33-CV-2023-900115.00

Judge: BRIAN P HAMILTON

To: BOWLING JEFFREY LOWELL
jeffbrbpc@bellsouth.net

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ALABAMA

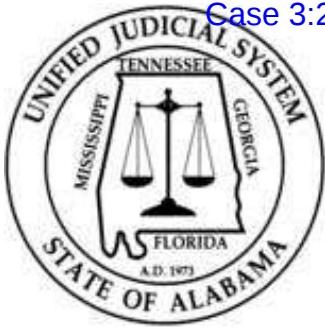
AMY NICOLE SEAL V. VGW, LTD ET AL
33-CV-2023-900115.00

The following matter was served on 9/18/2023

D001 VGW, LTD
Corresponding To
CERTIFIED MAIL

ANITA SCOTT
CIRCUIT COURT CLERK
FRANKLIN COUNTY, ALABAMA
P. O. BOX 160
RUSSELVILLE, AL, 35653

256-332-8861



AlaFile E-Notice

33-CV-2023-900115.00

Judge: BRIAN P HAMILTON

To: MCREYNOLDS JOHN ANDREW IV
johnmcbrbpc@gmail.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ALABAMA

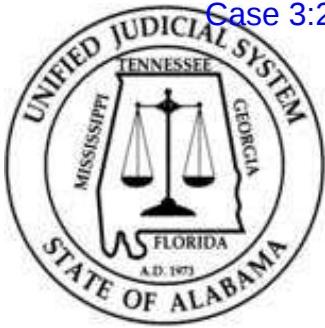
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256-332-8861



AlaFile E-Notice

33-CV-2023-900115.00

Judge: BRIAN P HAMILTON

To: HARGETT EVAN MICHAEL
evanbrbpc@gmail.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ALABAMA

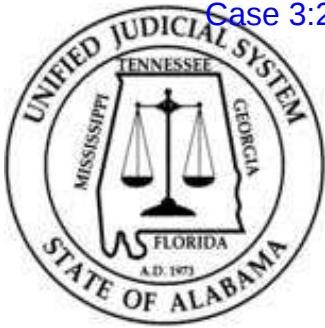
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AlaFile E-Notice

33-CV-2023-900115.00

Judge: BRIAN P HAMILTON

To: DAVIS DUDLEY FRANK
fdavis@davisonorris.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ALABAMA

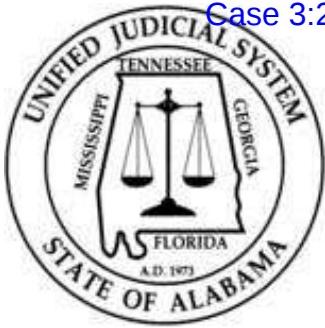
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AlaFile E-Notice

33-CV-2023-900115.00

Judge: BRIAN P HAMILTON

To: NORRIS JOHN EDWARD
jnorris@davisnorris.com

NOTICE OF SERVICE

IN THE CIRCUIT COURT OF FRANKLIN COUNTY, ALABAMA

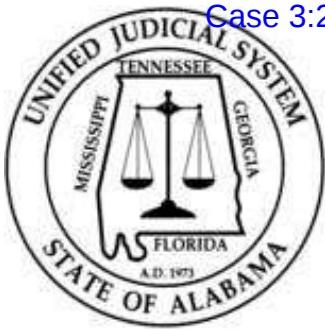
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AlaFile E-Notice

33-CV-2023-900115.00

Judge: BRIAN P HAMILTON

To: WARE DARGAN MANER
dware@davisnorris.com

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